

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HENRY THORNS,
Plaintiff,

2:11-CV-01204-PMP-VCF

vs.

ORDER

TERRITORY INCORPORATED, a
NEVADA corporation; SAM'S WEST,
INC., an Arkansas corporation dba
SAM'S CLUB #4974; ESI
CONSTRUCTION MANAGEMENT,
LLC, an Idaho limited liability
company.

Defendants.

On January 10, 2012, the Court received from counsel for Plaintiff, a letter of inquiry pursuant to Local Rule 7-6(b) regarding Plaintiff's Emergency Motion to Remand (Doc. #7) filed August 18, 2011. On January 11, 2012, the Court received from counsel for Defendant Sam's West, Inc., a letter in response to Plaintiff's Inquiry.

A review of the Court's docket shows that on September 6, 2011, this Court entered an Order (Doc. #10) granting Plaintiff's Emergency Motion to Remand to State Court. However, the same day the Court entered a second Order (Doc. #11) vacating the Order (Doc. #10) granting Plaintiff's Emergency Motion to Remand. The original Order granting Plaintiff's Emergency Motion to Remand was

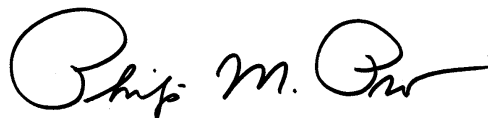
1 vacated because the Court had acted prior to the expiration of the deadline for
2 Defendants' Response.

3 Also, on September 6, 2011, Defendant Sam's West filed its Opposition to
4 Plaintiff's Emergency Motion to Remand (Doc. #12) Plaintiff filed a Reply (Doc.
5 #17) on September 16, 2011, at which point Plaintiff's Emergency Motion to
6 Remand (Doc. #7) was ripe for consideration by this Court. Apparently, however, as
7 a result of an error in the Court's (ECF), Plaintiff's Emergency Motion to Remand
8 (Doc. #7) was dropped from the Court's Case Management System as a active
9 motion.

10 The Court has now had the opportunity to read and consider Plaintiff's
11 Emergency Motion to Remand (Doc. #7), Defendant's Response in Opposition
12 thereto (Doc.'s #12, #13) and Plaintiff's Reply (Doc. #17), as well as the letters of
13 counsel for Plaintiff and Defendant Sam's West set forth in their letters of January
14 10, 2012, and January 11, 2012. Having done so, the Court finds that for the reasons
15 set forth in Sam's West opposition to Plaintiff's motion to remand, Plaintiff's motion
16 should be denied.

17 **IT IS THEREFORE ORDERED** that Plaintiff's Emergency Motion to
18 Remand (Doc. #7) is **DENIED**.

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20 DATED: January 18, 2012.

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23 PHILIP M. PRO
24 United States District Judge
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